

AMENDED IN ASSEMBLY APRIL 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1202

Introduced by Assembly Member Firebaugh

February 26, 1999

An act to amend Sections 1247.63, 1247.64, 1247.66, ~~1247.95~~, and 1300 of, *and to repeal Section 1247.95 of*, the Business and Professions Code, relating to hemodialysis technicians.

LEGISLATIVE COUNSEL'S DIGEST

AB 1202, as amended, Firebaugh. Hemodialysis: technician training.

Existing law provides for the regulation and training of hemodialysis technicians. Certain of these provisions relating to certification and training will become inoperative on July 1, 2000, and repeal these provisions on January 1, 2001.

~~This~~ *This* bill would repeal these inoperative and repeal dates, and make related changes.

Existing law provides that certification of hemodialysis technicians is subject to review by the Joint Legislative Sunset Review Committee, as specified.

This bill would repeal those provisions.

Existing law provides that a violation of the provisions relating to hemodialysis technician training is a crime punishable as a misdemeanor.

This bill, by extending the operation of certain of these provisions, would create a new crime and thus would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1247.63 of the Business and
2 Professions Code is amended to read:

3 1247.63. (a) Certification of a hemodialysis
4 technician issued by the department pursuant to
5 subdivision (a) of Section 1247.6 shall be valid for four
6 years.

7 (b) Those hemodialysis technicians certified by the
8 department or the Board of Nephrology Examination for
9 Nurses and Technicians (BONENT) before January 1,
10 1995, shall, before January 1, 1996, apply to renew their
11 certification, or in the case of those technicians certified
12 by the Board of Nephrology Examination for Nurses and
13 Technicians (BONENT) obtain department
14 certification, by submitting the fee required by
15 subdivision (n) of Section 1300 and proof of previous
16 certification. The department shall automatically renew
17 the certification of those hemodialysis technicians who
18 were certified before January 1, 1995, and who apply for
19 renewal pursuant to this subdivision.

20 (c) For renewals occurring on or after January 1, 1996,
21 a hemodialysis technician applying for renewal of his or
22 her certification shall submit proof that he or she has
23 obtained 30 hours of in-service training or continuing
24 education in dialysis care or general health care as a
25 requirement for the renewal of his or her certification.

26 SEC. 2. Section 1247.64 of the Business and
27 Professions Code is amended to read:

28 1247.64. A hemodialysis technician may obtain the
29 in-service training or continuing education required by

1 subdivision (c) of Section 1247.63 from one or more of the
2 following sources:

3 (a) Health-related courses offered by accredited
4 postsecondary institutions.

5 (b) Health-related courses offered by continuing
6 education providers approved by the California Board of
7 Registered Nursing.

8 (c) Health-related courses offered by recognized
9 health associations if the department determines the
10 courses to be acceptable.

11 (d) Health-related, employer-sponsored in-service
12 training or continuing education programs.

13 SEC. 3. Section 1247.66 of the Business and
14 Professions Code is amended to read:

15 1247.66. (a) The department may deny, suspend, or
16 revoke the certification of a hemodialysis technician if it
17 finds that the hemodialysis technician is not in
18 compliance with this article, or any regulations adopted
19 by the department to administer this article.

20 (b) The department may deny, suspend, or revoke the
21 certification of a hemodialysis technician for any of the
22 following causes:

23 (1) Unprofessional conduct, which includes
24 incompetence or gross negligence in carrying out his or
25 her usual functions.

26 (2) Procuring a certificate by fraud,
27 misrepresentation, or mistake.

28 (3) Making or giving any false statement or
29 information in conjunction with the application for
30 issuance or renewal of a certificate.

31 (4) Conviction of a crime substantially related to the
32 qualifications, functions, and duties of a hemodialysis
33 technician in which event the record of the conviction
34 shall be conclusive evidence thereof.

35 (c) In addition to other acts constituting
36 unprofessional conduct within the meaning of this article,
37 all of the following constitute unprofessional conduct:

38 (1) Conviction for, or use of, any narcotic drug, as
39 defined in Division 10 (commencing with Section 11000)
40 of the Health and Safety Code, or any dangerous drug, as

1 defined in Article 7 (commencing with Section 4211) of
2 Chapter 9, or alcoholic beverages, to an extent or in a
3 manner dangerous or injurious to the hemodialysis
4 technician or any other person, or the public, to the
5 extent that this use impairs the ability to conduct, with
6 safety to the public, the practice of a hemodialysis
7 technician.

8 (2) Abuse, whether verbal, physical, or mental, of a
9 patient in any setting where health care is being
10 rendered.

11 (d) Proceedings to deny, suspend, or revoke a
12 certification under this article shall be conducted in
13 accordance with Section 100171 of the Health and Safety
14 Code.

15 ~~SEC. 4. Section 1247.95 of the Business and~~
16 ~~Professions Code is amended to read:~~

17 ~~1247.95. (a) Certification of hemodialysis technicians~~
18 ~~shall be subject to the review of the Joint Legislative~~
19 ~~Sunset Review Committee as described in Division 1.2~~
20 ~~(commencing with Section 473).~~

21 ~~(b) The department shall submit the report required~~
22 ~~by Section 473.2, in accordance with the time limits set~~
23 ~~forth in that section.~~

24 ~~SEC. 4. Section 1247.95 of the Business and~~
25 ~~Professions Code is repealed.~~

26 ~~1247.95. (a) Certification of hemodialysis technicians~~
27 ~~shall be subject to the review of the Joint Legislative~~
28 ~~Sunset Review Committee as described in Division 1.2~~
29 ~~(commencing with Section 473).~~

30 ~~(b) The department shall submit the report required~~
31 ~~by Section 473.2, in accordance with the time limits set~~
32 ~~forth in that section, as if this article were scheduled to~~
33 ~~become inoperative on July 1, 2000, and would be~~
34 ~~repealed as of January 1, 2001, as described in Section~~
35 ~~473.1.~~

36 ~~(c) This section shall become inoperative on July 1,~~
37 ~~2000, and, as of January 1, 2001, is repealed, unless a later~~
38 ~~enacted statute, which becomes effective on or before~~
39 ~~January 1, 2001, deletes or extends the dates on which it~~
40 ~~becomes inoperative and is repealed.~~

SEC. 5. Section 1300 of the Business and Professions Code is amended to read:

1300. The amount of application, registration, and license fees under this chapter shall be as follows:

(a) The application fee for a histocompatibility laboratory director's, clinical laboratory bioanalyst's, clinical chemist's, clinical microbiologist's, clinical laboratory toxicologist's, clinical cytogeneticist's, or clinical molecular biologist's license is thirty-eight dollars (\$38). This fee shall be sixty-three dollars (\$63) commencing on July 1, 1983.

(b) The annual renewal fee for a histocompatibility laboratory director's, clinical laboratory bioanalyst's, clinical chemist's, clinical microbiologist's, or clinical laboratory toxicologist's license is thirty-eight dollars (\$38). This fee shall be sixty-three dollars (\$63) commencing on July 1, 1983.

(c) The application fee for a clinical laboratory scientist's or limited clinical laboratory scientist's license is twenty-three dollars (\$23). This fee shall be thirty-eight dollars (\$38) commencing on July 1, 1983.

(d) The application and annual renewal fee for a cytotechnologist's license shall be fifty dollars (\$50) commencing on January 1, 1991.

(e) The annual renewal fee for a clinical laboratory scientist's or limited clinical laboratory scientist's license is fifteen dollars (\$15). This fee shall be twenty-five dollars (\$25) commencing on July 1, 1983.

(f) The application fee for a clinical laboratory license is six hundred dollars (\$600).

(g) The annual renewal fee for a clinical laboratory license is five hundred fifty-seven dollars (\$557).

(h) The application fee for a certificate of accreditation issued pursuant to Section 1223 is one hundred fifty dollars (\$150).

(i) The annual renewal fee for a certificate of accreditation issued pursuant to Section 1223 is one hundred dollars (\$100).

(j) In addition, clinical laboratories providing cytology services shall pay an annual fee that shall be set by the

1 department in an amount needed to meet but not exceed
2 the department's costs of proficiency testing and special
3 site surveys for these laboratories, and that shall be based
4 upon the volume of cytologic slides examined by a
5 laboratory. If the amount collected is less than or exceeds
6 the amount needed for these purposes, the amount of fees
7 collected from those laboratories in the following year
8 shall be adjusted accordingly.

9 (k) The application fee for a trainee's license is eight
10 dollars (\$8). This fee shall be thirteen dollars (\$13)
11 commencing on July 1, 1983.

12 (l) The annual renewal fee for a trainee's license is five
13 dollars (\$5). This fee shall be eight dollars (\$8)
14 commencing on July 1, 1983.

15 (m) The application fee for a duplicate license is three
16 dollars (\$3). This fee shall be five dollars (\$5)
17 commencing on July 1, 1983.

18 (n) The delinquency fee is equal to the annual renewal
19 fee.

20 (o) The director may establish a fee for examinations
21 required under this chapter. The fee shall not exceed the
22 total cost to the department in conducting the
23 examination.

24 (p) The certification and renewal fees for
25 hemodialysis technicians certified under subdivision (a)
26 of Section 1247.6 shall be fifty dollars (\$50).

27 (q) The annual fee for a clinical laboratory subject to
28 registration under paragraph (2) of subdivision (a) of
29 Section 1265 and performing only those clinical
30 laboratory tests or examinations considered waived
31 under CLIA is fifty dollars (\$50). The annual fee for a
32 clinical laboratory subject to registration under
33 paragraph (2) of subdivision (a) of Section 1265 and
34 performing only physician-performed microscopy, as
35 defined under CLIA is seventy-five dollars (\$75). A
36 clinical laboratory performing both waived and
37 physician-performed microscopy shall pay an annual
38 registration fee of seventy-five dollars (\$75).

39 (r) The costs of the department in conducting a
40 complaint investigation, imposing sanctions, or

1 conducting a hearing under this chapter shall be paid by
2 the clinical laboratory. The fee shall be no greater than
3 the fee the laboratory would pay under CLIA for the
4 same type of activities and shall not be payable if the
5 clinical laboratory would not be required to pay those fees
6 under CLIA.

7 (s) The state, a district, city, county, city and county,
8 or other political subdivision, or any public officer or
9 body, shall be subject to the payment of fees established
10 pursuant to this chapter or regulations adopted
11 thereunder.

12 (t) In addition to the payment of registration or
13 licensure fees, a clinical laboratory located outside the
14 State of California shall reimburse the department for
15 travel and per diem to perform any necessary onsite
16 inspections at the clinical laboratory in order to ensure
17 compliance with this chapter.

18 (u) Whenever a clinical laboratory has paid
19 registration or compliance fees, or both, to HCFA under
20 CLIA for the same period of time for which a license is
21 issued under Section 1265, the fee required for the clinical
22 laboratory license under subdivision (f) or (g), and as
23 adjusted pursuant to Section 116 of the Health and Safety
24 Code, shall be reduced by the percentage of the total of
25 all CLIA registration and compliance fees paid to HCFA
26 by all California laboratories that are made available to
27 the department to carry out its functions as a CLIA agent
28 in the federal fiscal year immediately prior to when the
29 license fee is due.

30 SEC. 6. No reimbursement is required by this act
31 pursuant to Section 6 of Article XIII B of the California
32 Constitution because the only costs that may be incurred
33 by a local agency or school district will be incurred
34 because this act creates a new crime or infraction,
35 eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section
37 17556 of the Government Code, or changes the definition

1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.

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